

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-30 are pending in this application with claims 1-21 having been rejected, and new claims 24-30 having been added by this amendment. The Applicants would like to thank the Examiner for indicating that claims 22 and 23 are allowed and that claims 2-6, 11, 13-15, 16, 17, 19, and 20 contain allowable subject matter and would be allowable if rewritten in independent form.

II. 35 U.S.C. §§ 112 AND 102 REJECTIONS

Initially, the Office Action rejects claims 1-21 under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Office Action denotes two typographical errors, one each in claims 1 and 2, respectively. In response, Applicant's attorneys have amended claims 1 and 2 to correct the typographical errors.

Second, the Office Action rejects claims 1, 7-10, 12 and 18 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,931,855 to Buncke. In response, claim 1 has been amended to recite a step of "providing a securing means for securing the suture for cutting." Applicants respectfully submit that that Buncke does not teach such a feature. Accordingly, claim 1, as amended, patentably distinguishes over the Buncke and is allowable. Further, claims 2-21 which depend from the allowable base claim are therewith.

Finally, Applicants have added new claims 24-30. The Examiner will note that new independent claim 24 recites the elements of original claims 1 and 2 as a single independent claim. As the combination of these elements has been previously indicated to be allowable, it is respectfully submitted that new claims 24-29 are allowable. Further, it is submitted that claim 30, which depends from claim 1, as amended, patentably distinguishes over the cited prior art and is allowable.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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